

Notice of Allowability

Application No.

10/509,233

Applicant(s)

VAN SOMEREN ET AL.

Examiner

Art Unit

Parul Gupta

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed on 11/27/06.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. Claims 1-22 are pending for examination as interpreted by the examiner.

Response to Arguments

2. Applicant's arguments have been fully considered and are persuasive. The rejection of all claims has been withdrawn.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 1-17 are allowed over the prior art because of the references cited in the record, considered in combination or alone, fail to suggest or fairly teach "a method of writing information to an optical recording medium...wherein incomplete mark areas are formed by surrounding a non-data area with a data area" as recited in claims 1 and 15.

Claims 18-20 are allowed over the prior art because of the references cited in the record, considered in combination or alone, fail to suggest or fairly teach "a record carrier on which an information is written...wherein the shape of said mark areas is modulated in a predetermined manner so as to obtain incomplete mark areas which do only partly cover the area of the medium associated with a channel bit to be written, wherein incomplete mark areas are formed by surrounding a non-data area with a data area" as given in claim 18.

Claims 21 is allowed over the prior art because the references cited in the record taken individually or in combination fail to particularly disclose the clause of the claims that refers to "the step of adapting said forming step to modulate the shape of said mark areas in a predetermined manner so as to obtain incomplete mark areas which do only partly cover the area of the medium associated with a channel bit to be written, wherein said

mark area is a pit area, and a protruding portion is generated substantially in the center of said pit area, and wherein the size of said protruding portion is adjusted based on the size of a total pit area formed by adjacent pit areas" as given in claim 21.

Claims 22 is allowed over the prior art because the references cited in the record taken individually or in combination fail to particularly disclose the clause of the claims that refers to "the step of adapting said forming step to modulate the shape of said mark areas in a predetermined manner so as to obtain incomplete mark areas which do only partly cover the area of the medium associated with a channel bit to be written, wherein said mark area is a pit area, and a hole is generated substantially in the center of said pit area, and wherein the size of said pit hole is adjusted based on the size of a total pit area formed by adjacent pit areas" as given in claim 22.

All other claims are allowed with their respective allowable parent claims 1, 15, and 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parul Gupta whose telephone number is 571-272-5260. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG
1/22/07


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